

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 263

HOUSE BILL 2005

AN ACT

AMENDING SECTIONS 15-393 AND 15-782.02, ARIZONA REVISED STATUTES; AMENDING SECTION 15-782.02, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 2 OF THIS ACT; RELATING TO VOCATIONAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-393, Arizona Revised Statutes, is amended to
3 read:

4 15-393. Joint technological education district governing board

5 A. The management and control of the joint district are vested in the
6 joint technological education district governing board. Unless the governing
7 boards of the school districts participating in the formation of the joint
8 district vote to implement an alternative election system as provided in
9 subsection B of this section, the joint board shall consist of five members
10 elected from five single member districts formed within the joint district.
11 The single member district election system shall be submitted as part of the
12 plan for the joint district pursuant to section 15-392 and shall be
13 established in the plan as follows:

14 1. The governing boards of the school districts participating in the
15 formation of the joint district shall define the boundaries of the single
16 member districts so that the single member districts are as nearly equal in
17 population as is practicable, except that if the joint district lies in part
18 in each of two or more counties, at least one single member district may be
19 entirely within each of the counties comprising the joint district if this
20 district design is consistent with the obligation to equalize the population
21 among single member districts.

22 2. The boundaries of each single member district shall follow
23 election precinct boundary lines, as far as practicable, in order to avoid
24 further segmentation of the precincts.

25 3. A person who is a registered voter of this state and who is a
26 resident of the single member district is eligible for election to the office
27 of joint board member from the single member district. The terms of office
28 of the members of the joint board shall be as prescribed in section 15-427,
29 subsection B.

30 4. Nominating petitions shall be signed by the number of qualified
31 electors of the single member district as provided in section 16-322.

32 B. The governing boards of the school districts participating in the
33 formation of the joint district may vote to implement any other alternative
34 election system for the election of joint district board members. If an
35 alternative election system is selected, it shall be submitted as part of the
36 plan for the joint district pursuant to section 15-392, and the
37 implementation of the system shall be as approved by the United States
38 justice department.

39 C. The joint technological education district shall be subject to the
40 following provisions of this title:

41 1. Chapter 1, articles 1 through 6.

42 2. Sections 15-208, 15-210, 15-213 and 15-234.

43 3. Chapter 3, articles 2, 3 and 5.

44 4. Section 15-361.

45 5. Chapter 4, articles 1, 2 and 5.

6. Chapter 5, articles 1, 2 and 3.

7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729 and 15-730.

8. Chapter 7, article 5.

9. Chapter 8, articles 1, 3 and 4.

10. Sections 15-828 and 15-829.

11. Chapter 9, articles 1, 6 and 7.

12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.

13. Sections 15-1101 and 15-1104.

14. Chapter 10, articles 2, 3, 4 and 8.

D. Notwithstanding subsection C of this section, the following apply to a joint technological education district:

1. A joint district may issue bonds for the purposes specified in section 15-1021 and in chapter 4, article 5 of this title to an amount in the aggregate, including the existing indebtedness, not exceeding one per cent of the taxable property used for secondary tax purposes, as determined pursuant to title 42, chapter 15, article 1, within the joint technological education district as ascertained by the last property tax assessment previous to issuing the bonds.

2. The number of governing board members for a joint district shall be as prescribed in subsection A of this section.

3. If a career and technical education and vocational education course or program provided pursuant to this article is provided in a facility owned and operated by a school district in which a pupil is enrolled, the sum of the daily attendance, as provided in section 15-901, subsection A, paragraph 6, for that pupil in both the school district and joint technological education district shall not exceed 1.250 and the sum of the fractional student enrollment, as provided in section 15-901, subsection A, paragraph 2, subdivision (a), shall not exceed 1.250 for the courses taken in the school district and the facility. The school district and the joint district shall determine the apportionment of the daily attendance and fractional student enrollment for that pupil between the school district and the joint district.

4. The student count for the first year of operation of a joint technological education district as provided in this article shall be determined as follows:

(a) Determine the estimated student count for joint district classes which THAT will operate in the first year of operation. This estimate shall be based upon ON actual registration of pupils as of March 30 scheduled to attend classes which THAT will be operated by the joint district. The student count for the district of residence of the pupils registered at the joint district shall be adjusted. The adjustment shall cause the district of residence to reduce the student count for the pupil to reflect the courses to be taken at the joint district. The district of residence shall review and approve the adjustment of its own student count as provided in this

1 subdivision before the pupils from the school district can be added to the
2 student count of the joint district.

3 (b) The student count for the new joint district shall be the student
4 count as determined in subdivision (a) of ~~this paragraph~~.

5 (c) After the first one hundred days or two hundred days in session,
6 as applicable, for the first year of operation, the joint district shall
7 revise the student count to the actual student count for students attending
8 classes in the joint district. A joint district shall revise its student
9 count, and ~~revise~~ the base support level as provided in section 15-943.02,
10 the revenue control limit, ~~as provided in section 15-944.01, the capital~~
11 ~~outlay revenue limit and the soft capital allocation,~~ as provided in section
12 15-962.01 prior to May 15. A joint district which THAT overestimated its
13 student count shall revise its budget prior to May 15. A joint district
14 which THAT underestimated its student count may revise its budget prior to
15 May 15.

16 (d) After the first one hundred days or two hundred days in session,
17 as applicable, for the first year of operation, the district of residence
18 shall adjust its student count by reducing it to reflect the courses actually
19 taken at the joint district. The district of residence shall revise its
20 student count, the base support level as provided in section 15-943, the
21 revenue control limit as provided in section 15-944, the capital outlay
22 revenue limit as provided in section 15-961 and the soft capital allocation
23 as provided in section 15-962 prior to May 15. A district which THAT
24 underestimated the student count for students attending the joint district
25 shall revise its budget prior to May 15. A district which THAT overestimated
26 the student count for students attending the joint district may revise its
27 budget prior to May 15.

28 (e) A joint district for the first year of operation shall not be
29 eligible for the provisions of section 15-948.

30 (f) The procedures for implementing the provisions of this paragraph
31 shall be as prescribed in the uniform system of financial records.

32 (g) If the district of residence utilizes the provisions of section
33 15-942 to determine its student count, the district shall reduce its student
34 count as provided in this paragraph by subtracting the appropriate count from
35 the student count determined as provided in section 15-942.

36 ~~(h)~~ For the purposes of this paragraph, "district of residence" means the
37 district which THAT included the pupil in its average daily membership for
38 the year before the first year of operation of the joint district and THAT
39 would have included the pupil in its student count for the purposes of
40 computing its base support level for the fiscal year of the first year of
41 operation of the joint district if the pupil had not enrolled in the joint
42 district.

43 5. A student includes any person enrolled in the joint district
44 without regard to the person's age or high school graduation status, EXCEPT
45 THAT A STUDENT WHO IS OVER TWENTY-TWO YEARS OF AGE SHALL NOT BE INCLUDED IN

1 THE STUDENT COUNT OF THE JOINT DISTRICT FOR THE PURPOSES OF CHAPTER 9,
2 ARTICLES 3, 4 AND 5 OF THIS TITLE.

3 6. A joint district may operate for more than one hundred
4 seventy-five days per year, with expanded hours of service.

5 7. A joint district may use the excess utility costs provisions of
6 section 15-910 in the same manner as a school district for fiscal years
7 1999-2000 and 2000-2001, except that the base year shall be the first full
8 fiscal year of operations.

9 8. A joint district may use the carryforward provisions of section
10 15-943.01 retroactively to July 1, 1993.

11 E. The joint board shall appoint a superintendent as the executive
12 officer of the joint district.

13 F. Taxes may be levied for the support of the joint district as
14 prescribed in chapter 9, article 6 of this title. Except for the taxes
15 levied pursuant to section 15-994, such taxes shall be obtained from a levy
16 of taxes upon ON the taxable property used for secondary tax purposes.

17 G. The schools in the joint district are available to all ~~children of~~
18 ~~school-age~~ PERSONS who reside in the joint district subject to the rules for
19 admission prescribed by the joint board.

20 H. The joint board may collect tuition for adult students and the
21 attendance of pupils who are residents of school districts which THAT are not
22 participating in the joint district pursuant to arrangements made between the
23 governing board of the district and the joint board.

24 I. The joint board may accept gifts, grants, federal monies, tuition
25 and other allocations of monies to erect, repair and equip buildings and for
26 the cost of operation of the schools of the joint district.

27 J. One member of the joint board shall be selected chairman. The
28 chairman shall be selected annually on a rotation basis from among the
29 participating school districts. The chairman of the joint board shall be a
30 voting member.

31 K. A joint board and a community college district may enter into
32 agreements for the provision of administrative, operational and educational
33 services and facilities.

34 Sec. 2. Section 15-782.02, Arizona Revised Statutes, is amended to
35 read:

36 15-782.02. Career and technical education and vocational
37 education programs; expanded hours; tuition

38 A. School districts with career and technical education and vocational
39 education programs may offer vocational educational services without regard
40 to students' age or high school graduation status. Persons over twenty-two
41 years of age shall not attend vocational programs in high school buildings
42 during regular school hours, EXCEPT THAT A PERSON OVER TWENTY-TWO YEARS OF
43 AGE MAY ATTEND VOCATIONAL PROGRAMS ON A CAMPUS THAT IS NOT A COMPREHENSIVE
44 HIGH SCHOOL CAMPUS DURING REGULAR SCHOOL HOURS IN A COUNTY WITH A POPULATION
45 THAT EXCEEDS ONE MILLION PERSONS PURSUANT TO SECTION 15-393, SUBSECTION D,

PARAGRAPH 5 IF THE VOCATIONAL PROGRAM HAS ADDITIONAL STUDENT CAPACITY AFTER THE ENROLLMENT OF PERSONS TWENTY-TWO YEARS OF AGE OR YOUNGER, EXCEPT THAT A STUDENT WHO IS OVER TWENTY-TWO YEARS OF AGE SHALL NOT BE INCLUDED IN THE STUDENT COUNT OF THE JOINT DISTRICT FOR THE PURPOSES OF CHAPTER 9, ARTICLES 3, 4 AND 5 OF THIS TITLE. THE GOVERNING BOARD OF THE JOINT TECHNOLOGICAL EDUCATION DISTRICT SHALL ADOPT POLICIES THAT PRESCRIBE THE CIRCUMSTANCES UNDER WHICH STUDENTS WHO ARE TWENTY-TWO YEARS OF AGE OR YOUNGER AND PERSONS WHO ARE OVER TWENTY-TWO YEARS OF AGE AND WHO ARE ATTENDING VOCATIONAL PROGRAMS ARE ALLOWED IN THE SAME CLASSROOM AT THE SAME TIME. THE POLICIES SHALL BE DESIGNED TO MAXIMIZE THE SAFETY OF STUDENTS WHO ARE TWENTY-TWO YEARS OF AGE OR YOUNGER AND WHO ATTEND PROGRAMS DURING REGULAR SCHOOL HOURS, INCLUDING REQUIRING THE PRESENCE OF SECURITY PERSONNEL ON CAMPUS. VOCATIONAL PROGRAMS OFFERED BY A JOINT TECHNOLOGICAL EDUCATION DISTRICT TO PERSONS OVER TWENTY-TWO YEARS OF AGE SHALL BE LIMITED TO A HIGH SCHOOL CURRICULUM UNLESS THE PROGRAMS ARE OFFERED IN CONJUNCTION WITH A COMMUNITY COLLEGE DISTRICT. The department of education shall distribute twenty-six dollars for every day that a full-time student attends an extended year or summer school program in a joint technological education district and thirteen dollars for every day that a part-time student attends an extended year or summer school program in a joint technological education district, subject to appropriation EXCEPT THAT THE DEPARTMENT OF EDUCATION SHALL NOT DISTRIBUTE MONIES PURSUANT TO THIS SECTION FOR ANY STUDENT WHO HAS EITHER GRADUATED FROM HIGH SCHOOL OR OBTAINED A GENERAL EDUCATION DIPLOMA OR WHO HAS REACHED TWENTY-TWO YEARS OF AGE, WHICHEVER OCCURS FIRST.

B. School districts with career and technical education and vocational educational EDUCATION programs may operate those programs for more than one hundred seventy-five days per year, with expanded hours of service.

C. Career and technical education and vocational educational EDUCATION programs run by school districts may charge tuition to offset expenses associated with serving adult students.

Sec. 3. Section 15-782.02, Arizona Revised Statutes, as amended by section 2 of this act, is amended to read:

15-782.02. Career and technical education and vocational education programs; expanded hours; tuition

A. School districts with career and technical education and vocational education programs may offer vocational educational services without regard to students' age or high school graduation status. Persons over twenty-two years of age shall not attend vocational programs in high school buildings during regular school hours, ~~except that a person over twenty-two years of age may attend vocational programs on a campus that is not a comprehensive high school campus during regular school hours in a county with a population that exceeds one million persons pursuant to section 15-393, subsection D, paragraph 5 if the vocational program has additional student capacity after the enrollment of persons twenty-two years of age or younger, except that a student who is over twenty-two years of age shall not be included in the~~

1 ~~student count of the joint district for the purposes of chapter 9, articles~~
2 ~~3, 4 and 5 of this title. The governing board of the joint technological~~
3 ~~education district shall adopt policies that prescribe the circumstances~~
4 ~~under which students who are twenty-two years of age or younger and persons~~
5 ~~who are over twenty-two years of age and who are attending vocational~~
6 ~~programs are allowed in the same classroom at the same time. The policies~~
7 ~~shall be designed to maximize the safety of students who are twenty-two years~~
8 ~~of age or younger and who attend programs during regular school hours,~~
9 ~~including requiring the presence of security personnel on campus. Vocational~~
10 ~~programs offered by a joint technological education district to persons over~~
11 ~~twenty-two years of age shall be limited to a high school curriculum unless~~
12 ~~the programs are offered in conjunction with a community college district.~~
13 ~~The department of education shall distribute twenty-six dollars for every day~~
14 ~~that a full-time student attends an extended year or summer school program~~
15 ~~in a joint technological education district and thirteen dollars for every~~
16 ~~day that a part-time student attends an extended year or summer school~~
17 ~~program in a joint technological education district, subject to appropriation~~
18 ~~except that the department of education shall not distribute monies pursuant~~
19 ~~to this section for any student who has either graduated from high school or~~
20 ~~obtained a general education diploma or who has reached twenty-two years of~~
21 ~~age, whichever occurs first.~~

22 B. School districts with career and technical education and vocational
23 education programs may operate those programs for more than one hundred
24 seventy-five days per year, with expanded hours of service.

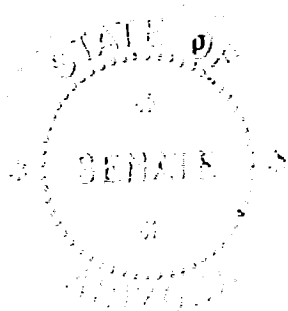
25 C. Career and technical education and vocational education programs
26 run by school districts may charge tuition to offset expenses associated with
27 serving adult students.

28 Sec. 4. Effective date

29 Section 15-782.02, Arizona Revised Statutes, as amended by section 3
30 of this act, is effective from and after June 30, 2006.

APPROVED BY THE GOVERNOR MAY 26, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2004.



Passed the House February 9, 2004,

by the following vote: 41 Ayes,

17 Nays, 2 Not Voting

Jake Flinn
Speaker of the House

Norman L. Fyfe
Chief Clerk of the House

Passed the Senate May 12, 2004,

by the following vote: 17 Ayes,

8 Nays, 5 Not Voting

Klu Flinn
President of the Senate

Channing Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2005

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 19, 2004,

by the following vote: 44 Ayes,

14 Nays, 2 Not Voting

Joe Imler
Speaker of the House
Spelman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of May, 2004

at 10:42 o'clock a M.

Jennifer Chabarra
Secretary to the Governor

Approved this 26 day of

May, 2004,

at 4⁴⁰ o'clock 7. M.

Jan Brewer
Governor of Arizona

H.B. 2005

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27 day of May, 2004,

at 8:29 o'clock A M.

Jan Brewer
Secretary of State